



Merced County Sheriff's Department

700 W. 22ND STREET
MAILING ADDRESS: 2222 "M" STREET
MERCED, CALIFORNIA 95340
TELEPHONE (209) 385-7360
FAX (209) 385-7659



TOM SAWYER
Sheriff-Coroner

HENRY STRENGTH
Assistant Sheriff
Operations

MIKE RAYMOND
Assistant Sheriff
Corrections

July 12, 1994

RECEIVED

AUG 12 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

The Honorable Reed E. Hundt
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: Billed Party Preference; CC Docket Number 92-77

Dear Commissioner Hundt:

As Sheriff of Merced County, California, and a Jail Administrator, I am requesting that the Federal Communications Commission exclude local jails from the proposed "billed party preference" system for O+ Inter LATA payphone traffic rules.

While there may be ways to prevent fraud under B.P.P., we would be losing our ability to closely monitor phone calls during investigations and would likely lose our ability to quickly block calls to protect victims and witnesses from intimidation and family and friends from unwanted calls and harassment. These issues are very important to me and the citizens of Merced County.

Eliminating the O+ commissions received currently would have the effect of creating a host of unfunded mandates. California jails have Inmate Welfare Funds which are by law to provide for programs, services and facilities for inmates. Telephone commissions are the primary, in some cases sole, source of revenue for the Inmate Welfare Fund. Many of these programs and services are now mandated by law and the courts, primarily the Federal courts. Elimination of commission revenues would force jails to tap already strapped budgets to fund these mandates.

The services and programs provided by the Inmate Welfare Fund includes Adult Education, GED Programs, basic literacy training, job training, substance abuse and family counseling, Chaplains, religious services and many more. Even basics such as supplying indigent inmates with personal hygiene supplies and letter writing material are provided for by this fund.

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042 + 1

The Honorable Reed E. Hundt
July 12, 1994
Page Two

These programs would cease or have to be funded with tax dollars. Merced County has already been forced to close its libraries and parks, suspend building maintenance and eliminate several hundred jobs. We obviously cannot replace the dollars we would lose if our commission revenues are eliminated.

Before you make any decision, please stop and listen to the thousands of local jails that will be dramatically and adversely impacted by your failure to exclude them from the B.P.P. System. Every State has different laws governing its jails. I can only speak for our California laws and under them failure to exclude jails would be devastating.

Very truly yours,

A handwritten signature in black ink, appearing to read "Tom Sawyer". The signature is fluid and cursive, with a long horizontal line extending from the "T" across the middle of the signature.

Tom Sawyer, Sheriff-Coroner

TS:cvg



Merced County Sheriff's Department

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AUG 12 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY



TOM SAWYER
Sheriff-Coroner

HENRY STRENGTH
Assistant Sheriff
Operations

MIKE RAYMOND
Assistant Sheriff
Corrections

July 12, 1994

The Honorable Gary Condit
United States Representative
1123 Longworth Building
Washington, DC 20515

Dear Congressman Condit:

As a California Sheriff, member of the California Board of Corrections, and a Jail Administrator, I am asking for your help. It is very important to me and my agency that the Federal Communications Commission exclude local jails from the proposed "billed party preference" (B.P.P.) system for O+ Inter LATA payphone traffic rules.

It is obvious that the F.C.C. does not fully understand the impact their action will have on jails and prisons. Our phone systems were designed for the jail and prison environment and work well for us in meeting our security needs and generating much needed revenue.

As you are aware, many California Counties are in a state of fiscal crisis and my County, Merced, is hanging on by a thread. Another unfunded mandate will only make the situation worse. Our telephone systems are not a luxury, they are required to meet regulations and to comply with the law as interpreted by many courts. If the providers who install and maintain our phones cannot make a profit, their only choice is to pull out. We would be forced to spend scarce tax dollars to provide some kind of limited service which would not be as secure or efficient as what we have now.

Merced County is one of many who can ill afford to spend our limited resources on phones when what we need is officers. You must remember that all of our callers are charged with a crime and many are convicted criminals - this is not the general public.

We vigorously oppose Federal interference with our ability to manage and control our inmate phone usage.

Additionally, another reason is money, costs and revenues. California counties are in fiscal trouble. There are no funds to provide our current level of service at taxpayer expense. If current providers pull their equipment, we would be unable to replace it resulting in drastically reduced availability of telephones to our inmates.

The Honorable Gary Condit
July 12, 1994
Page Two

The revenues from our inmate telephone system could not be replaced. Local government does not have the funds to pay for the many programs financed with these revenues.

These funds provide adult education, GED programs, basic literacy and job training classes, substance abuse and family counseling, English as a second language classes, and Chaplains and religious services. We purchase recreation and exercise equipment and even build classrooms and fund libraries and law libraries. We also pay the staff who supervise and manage these programs.

Without telephone revenues all of these programs would end. These are not just programs for the inmates, the education, training and counseling they provide helps these people become productive, law abiding individuals rather than a burden to the taxpayers.

The security provided by our current systems is designed to prevent fraud and abuse, as well as provide critical management information to jail administrators.

These systems alert the recipient of the call and that the caller is an inmate. This is very important if you are a victim, a witness, or a small business who is about to be taken in and scammed. We can block calls to specific numbers to protect the public. We would lose these safeguards.

We can currently control the length of calls and the hours of phone availability which helps in maintaining order and discipline. We would lose these benefits.

We would lose the ability to rapidly determine when, where and to whom calls were placed. This is valuable information in the event of escapes or the smuggling of contraband which often involves help from the outside.

The revenue from our phone systems provide facilities and services that would be difficult, if not impossible, to replace with local tax dollars. Even basics such as supplying indigent inmates with tooth brushes, tooth paste, razors, combs and writing material could no longer be paid for out of this revenue which means it would have to come from scarce tax dollars. These programs do not coddle inmates, they provide basic necessities and a chance to turn one's life around.

The loss of our phone revenues would mean Merced County, and many others, could no longer afford to provide these services and programs.

As you can see, B.P.P. sounds good for the general public but it does not fit jails. Inmates require more security and control and the revenues generated are critical to safe and efficient jail operations.

The Honorable Gary Condit
July 12, 1994
Page Three

Please help me convince the F.C.C. to exclude local jails from the proposed B.P.P. system. The survival of our basic services and programs depends upon it. These revenues are our primary and, in come cases, the sole source of program funds.

I would appreciate any help that you could provide.

Very truly yours,

A handwritten signature in black ink, appearing to read "Tom Sawyer". The signature is fluid and cursive, with a long horizontal stroke extending to the left of the first letter.

Tom Sawyer, Sheriff-Coroner

TS:cvg

cc: California State Sheriff's Association
Senator Dianne Feinstein
California Board of Corrections
Federal Communications Commission

SEVIER COUNTY SHERIFF'S DEPARTMENT
SEVIER COUNTY JAIL
LT. KERRY MEACHAM

250 NORTH MAIN
RICHFIELD, UTAH 84701

PHONE (801) 896-6433
FAX (801) 896-6081

JULY 11, 1994

RECEIVED

VINCENT TOWNSEND
APCC INMATE PHONE SERVICE TASK FORCE
P.O. BOX 8179
GREENSBORO, NC. 27419

AUG 12 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

92-77

DEAR MR. TOWNSEND

I HAVE REVIEWED THE PROPOSED BILLING PARTY PREFERENCE ACT CONCERNING INMATE TELEPHONE SYSTEMS AND FIND THAT I AM NOT IN FAVOR OF THIS ACTION. I DO NOT BELIEVE THAT ANYONE WOULD BE SERVED OR RECEIVE ANY KIND OF BENEFIT FROM THIS ACTION. IT APPEARS TO ME THAT IT WOULD COST TOO MUCH TO IMPLEMENT AND WOULD END UP COSTING MORE MONEY FOR INMATE PHONE CALLS TO THEIR FAMILIES, AS THE COSTS WOULD BE PASTED ON TO THE CUSTOMERS. IT IS CLEAR THAT IF IT BECOMES TOO EXPENSIVE FOR INMATES AND THEIR FAMILIES, THEY WOULD COMPLAIN TO THE POINT THAT IT WOULD BE MORE BENEFICIAL FOR THE JAILS AND PRISONS TO TAKE OUT THE PHONES INSTEAD OF DEALING WITH THEM, RESULTING IN EXTENSIVE LOST CONTACT BETWEEN INMATE AND FAMILY.

SINCERELY,



KERRY MEACHAM
JAIL COMMANDER

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STATE OF NEW YORK
DEPARTMENT OF CORRECTIONAL SERVICES
THE STATE OFFICE BUILDING CAMPUS
ALBANY, N.Y. 12226

THOMAS A. COUGHLIN III
COMMISSIONER

July 27, 1994

RECEIVED

AUG 12 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

The Honorable Reed E. Hundt
Chairman
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: Billed Party Preference
CC Docket No. 92-77

Dear Chairman Hundt:

I'm writing this letter so that I go on record stating that I am against extending "Billed Party Preference" (BPP) to correctional facilities. I believe that such action will provide very little benefit and will, in fact, create significant problems.

Before I discuss my issues, let me describe the Inmate Call Home Program in New York State.

- The New York State Department of Correctional Services (DOCS) currently has approximately 66,000 inmates in 68 facilities located throughout New York State. Each day, inmates place approximately 90,000 calls and complete about 25,000 calls.
- Inmates are allowed to place calls from 7:00 a.m. to 11:00 p.m. daily. Each inmate is allowed 15 active phone numbers on his or her call list. We also maintain a very extensive list of telephone numbers that inmates are not allowed to call.
- There are no live operators involved in the calling. We have bilingual messages that give the inmate and the called party instructions and any necessary feedback if a problem is encountered.
- Call processing is fairly complex. We have developed applications on our mainframe computer that allow inmate counselors to register telephone numbers for an inmate's calling list. The system also takes the daily call detail records for completed and incompletd calls and stores them for later reference as required for operational or investigative purposes. Calls are actually processed through hardware and software located at each facility supplied by Value Added Communications (VAC).

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- The VAC system was selected via competitive procurement in which nine bids were received. The VAC contract will end March 31, 1997. At the end of the contract, we will own the hardware and software.
- The VAC system is downloaded nightly with new inmate registration data and other operational data, such as inmate loss of telephone privileges, etc. During this nightly processing, VAC sends us the call detail records for the day.
- Our network is comprised of approximately 2500 State-owned telephones connected to 130 T-1's provided by 10 local carriers via long-term lease arrangements. Long distance service is provided by Rochester Telephone as a subcontractor to VAC.
- The rates charged are the dominant carrier (AT&T or NYNEX) rates for both local and long distance traffic.
- Currently, commission revenues paid by VAC to the Department average \$15 million annually. Over 95% of this money is spent on program services for inmates including bus trips for family visits, cable TV, postage, AIDS education and AIDS medication. If the inmate programs lost this revenue source, it is unlikely the State legislature will appropriate funds for most of these programs. We will also have to ask for about \$5 million in funding to run the Call Home Program, since our contractor will not be providing this service from commission revenue. In our view, BPP preference will cost the Department \$5 million and the inmates could lose up to \$15 million in program benefits.

My more specific concerns are as follows:

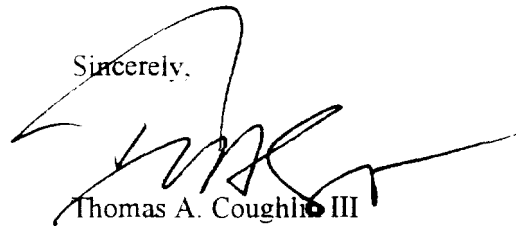
- 1) I do not understand how our telephones can be considered public telephones. We do not run a hotel and our guests have no freedom of choice. The constant work and expense we have to go through to provide inmate access, while meeting a competing need for public safety, coupled with the fact that only registered inmates can gain access and use these telephones places us in a rather unique category.
- 2) Experience has taught us to avoid live operators to limit problems. With BPP, when inmates experience problems gaining access, how will the carrier of choice provide feedback to the inmates without live operator intervention? How are we going to get call detail information from each carrier for our files? The importance of this cannot be minimized and not just from the law enforcement investigative perspective. We often work with the inmates and families to resolve problems with the telephone service providers. Without automated and well coordinated data, we are out of the loop to help resolve problems. I want to be very clear about this one thing: live operators and unreliable data are not an acceptable alternative.

July 27, 1994

- 3) As you can see from my description of the New York State program, we have developed an extensive collection of systems to meet our communication needs. To keep prices down and to maximize revenue, we have made several long-term contractual commitments. If you move forward with BPP, our contracts are void and useless; we basically have to start from scratch again. In the ensuing process, I believe that there is a risk that the network and number of stations could shrink significantly. The result would be increased tension in the facilities and all the risks that follow.
- 4) We have taken the time over the past several years to understand not only the technology of telecommunications, but also the business/market. We lock up the best rates we can on the regulated side of things and use competition on the deregulated side to get good products and pricing. Your actions will basically make the competition dry up and the prison niche will become stagnant, void of competitive pressure. Where is the benefit in all this?

When you last excluded correctional facilities from BPP, I was pleased because I thought you understood why it would be inappropriate and how it could damage a system that actually helps all involved as it currently stands. I strongly urge you to continue to exclude correctional facilities from BPP. Thank you for the opportunity to make this statement.

Sincerely,



Thomas A. Coughlin III
Commissioner

cc: Hon. James H. Quello
Hon. Andrew C. Barrett
Hon. Rachelle B. Chong
Hon. Susan Ness



SDN Users Association, Inc.

P.O. Box 4014, Bridgewater, N.J. 08807

July 25, 1994

Mr. W. Caton
Acting Secretary
Federal Communications Commission
1919 M Street NW, Room 222
Washington, DC 20554

RECEIVED
AUG 12 1994
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Docket 92-77, Billed Party Preference for 0+ InterLATA Calls

Dear Mr. Caton,

On behalf of the SDN Users Association I would like to restate our position on Billed Party Preference for 0+ InterLATA Calls. The Association believes that the current methods to access the 0+ services have the required functionality to reach the carrier of choice. This is the same position that we have communicated in the past, as well as at the meetings with Reed Hundt and Kathleen Levitz, on April 6, 1994.

Our Regulatory Affairs Committee has reviewed the record and the FCC's 'Further Notice of Proposed Rule Making' released June 6, 1994. Overall the Association is very pleased that the FCC is seeking to evaluate costs versus benefits for this proposal. Many benefits have been brought to the marketplace by the FCC's work since Divestiture. Our conviction is that the marketplace is competitive and that services will continue to emerge at reasonable prices.

We are not in a position to comment substantially on the implementation cost, since we are customers, not providers. However, the Association is concerned that the proposed rule, if implemented, will impact costs for the Local Exchange Companies (LEC) that ultimately will be passed on to the end user. If passed, the proposed rule-making could add substantial capital investment, operating cost, and complexity that would negatively effect the customer base using 0+ services. Currently, any exceptions to access availability are addressable through existing rules covering pay phones, such as the Telephone Operator Consumer Services Improvement Act (TOCSIA).

For these reasons and the ones stated in our letter of January 13, 1994, we continue to oppose the Proposed Rule Making for Docket 92-77.

Sincerely,

Linda L. Tratnik
President

Copy to: A. Barrett R. Metzger
R. Chong S. Ness
R. Hundt J. Quello
K. Levitz

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PRAIRIE CORRECTIONAL FACILITY

445 S. Munsterman, P.O. Box 157, Appleton, MN 56208-0157

Telephone (612) 289-2052

Telefax (612) 289-2059

JUL 15 1994

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AUG 12 1994

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
Billed Party Preference) CC Docket 92-77
For 0+ InterLATAA Calls)

Comments of Prairie Correctional Facility

We are a correctional Facility that operates an inmate phone system. We feel that this regulation will have a dramatic effect on our ability to provide inmate services. The revenue from the phones pays for much of our inmates programing. This includes recreational, educational, vocational education and religious programming. The lost of this revenue will severely impact our ability to enhance and expand these services.

Please exempt Correctional Facilities from your regulations.

Sincerely,

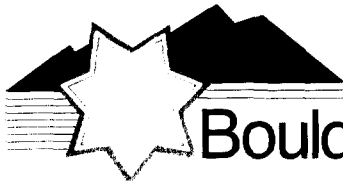
Thomas M. Rice
Chief Financial Officer

Charles E. Buchholz
Warden

Debra Andrews
Program Manager

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0+1



GEORGE EPP
Sheriff

Boulder County Sheriff's Department

July 6, 1994

The Honorable Reed E. Hundt
Federal Communications Commission
1919 M Street, N.W.
Washington, DC 20554

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AUG 12 1994

RE: Billed Party Preference; CC Docket No. 92-77

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Mr. Chairman:

As the Support Services Administrator in a jail, I am vigorously opposed to any federal interference with my ability to manage and control our inmate telephone system.

For years we had to depend on officers spending many, many hours supervising inmate phone calls, because of the potential for abuse, fraud, etc. Upon moving into a new facility we contracted with an inmate telephone company. This has freed up time for our staff to perform other task and improved inmate phone operation quality.

Many inmates attempt to utilize third-party calling to effect abuse, fraud and threats to crime victims. However; the service provider is able to deal with this effectively. It is essential that I contract with a service provider that is committed to providing call and fraud controls unique to the jail setting. Without it I would have to begin monitoring inmate calls with officers again, which is not very frugal.

Inmate phone service contracts also provide much needed funds to maintain inmate programs. This is a critical source of revenue that would be cutoff by approval of "Billed Party Preference."

I would urge you to examine "BPP" very carefully before stripping away my ability to manage our inmate phone system.

Sincerely,

U. J. Black, Jr.
Support Services Lieutenant, Jail Division

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UJB/bb

16. 11 21 8 709

WAUKESHA COUNTY



515 West Moreland Boulevard
Waukesha, Wisconsin 53188-2428

County Board Office

Phone: (414) 548-7002
Fax: (414) 548-7005

July 26, 1994

The Honorable Reed E. Hundt
Federal Communications Commission
1919 M Street, N.W.
Washington D.C. 20554

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AUG 12 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Billed Party Preference; CC Docket No. 92-77

Dear Commissioner Hundt:

Billed Party Preference is not a preferred option for the Waukesha County Jail operation. It would adversely impact our ability to efficiently manage an ever-increasing, burdensome responsibility dictated by social conditions beyond our direct control. Jails are one of county governments' more onerous mandates.

BPP represents a road block for Waukesha County in its efforts to provide a needed service at the least possible cost to the property taxpayer. It would:

1. Restrict or eliminate the ability to control inmate telephone traffic and maintain outside requests for blocked or restricted telephone numbers. Additional jail staff will be needed to replace the loss of current technology.
2. Severely reduce or eliminate the shared revenue from inmate telephone fees/costs.
3. Eliminate the number of service providers, competition among providers, and require the jail to purchase and maintain as part of the annual operations budget a security inmate telephone system.

BPP only adds to our already spiraling law enforcement costs and overburdened administrative obligations.

We respectfully request that county jails be exempt from the Billed Party Preference proposal.

Sincerely,

James T. Dwyer
Waukesha County Board Chairman

Daniel M. Finley
Waukesha County Executive

/mo

cc: The Honorable James H. Quello
The Honorable Andrew C. Barrett
The Honorable Rachelle B. Chong
The Honorable Susan Ness

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OFFICE of the SHERIFF
CEDAR COUNTY COURTHOUSE
TIPTON, IOWA 52772

Keith L. Whitlatch
Sheriff

DOCKET # 1 COPY ORIGINAL

OFFICE: (319) 886-2121
FAX: (319) 886-2095
CRIME STOPPERS: (319) 886-6618

July 25, 1994

The Honorable Reed Hundt, Chairman
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

RECEIVED
AUG 12 1994
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: CC Docket #92-77

Dear Chairman Hundt:

I am writing to voice my concerns about the proposed Billed Party Preference regulation. The correctional facility inmate phone industry would be severely jeopardized by BPP, affecting inmates, their families and the criminal justice system as a whole. For this reason, we are asking that inmate calls be except from the proposed BPP regulation.

Over the past ten years, administrators of correctional facilities have been able to put into place a very effective system for allowing inmate phone calls. The right to choose our phone service provider has been key to our success. This service has always been delivered to us at very reasonable rates. What's more, inmate phone commissions have been a significant source of revenue for our facility and have helped us improve it dramatically. We use this revenue to fund various programs including: law enforcement education; inmate health, education, and recreation; jail personnel safety; drug prevention and other community programs; family visitation etc.

Here are a few of my biggest concerns about Billed Party Preference:

- It strips correctional facility administrators of the right to choose inmate phone providers.
- Technology for BPP would reportedly cost upwards of \$1.5 billion, an expense that would have to be passed along to the consumer.
- Without the authority to process calls, inmate phone providers would no longer have the revenue to provide the sophisticated phone systems used in prisons. The end result: fewer phones with fewer security features. Facilities would have to revert to the old ways of supervising each and every inmate call.
- The average length of stay in jail would increase because inmates would not have the phone privileges required to make arrangements for obtaining bond. This costs everyone!

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- Under BPP, correctional facilities would no longer have control over inmate calls, which means no call tracking or blocking. Inmates could conceivably harass judges, witnesses, jury members or even the victims of their crimes.
- Without call control, facilities would be unable to control fraud problems currently handled by inmate phone providers.

For the above reasons, and countless others, we believe that the COSTS OF BILLED PARTY PREFERENCE FOR INMATE CALLS FAR OUTWEIGH THE BENEFITS. If BPP does become regulation, we urge you to make inmate calls except. Thank you for your consideration of my views.

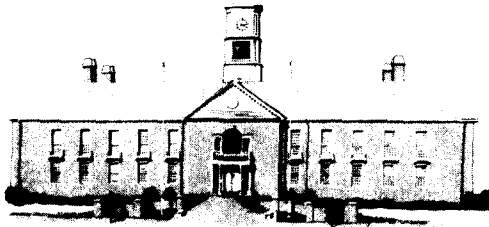
Sincerely,

A handwritten signature in black ink that reads "Keith L. Whitlatch". The signature is written in a cursive, flowing style.

Keith L. Whitlatch
Cedar County Sheriff

KLW/bja

STATE OF
NORTH CAROLINA



PHIL H. ELLIS
SHERIFF

EDGECOMBE COUNTY

TARBORO, N. C. 27886

June 30, 1994

RECEIVED

AUG 12 1994

The Honorable Reed Hundt
Federal Communication Commission
1919M Street, N.W.
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Billed Party Preference: CC Docket #92-77

Dear Mr. Hundt:

I am writing this letter to state my opposition to the proposal of the FCC concerning Billed Party Preference "BPP".

For the last four years, we have had an inmate telephone system in our county jail. We have had very, very few complaints concerning any of the system, especially pertaining to rates charged to collect call only parties. When we have received a complaint concerning excessive calls coming to a particular party, we were able through the supplier of the telephone system to block that number and therefore eliminate any problem with that particular phone subscriber. As I understand, if you pass the BPP, this will probably cause our inmate phone company to not be able to supply us with a very important service for, not only inmates in our jail, but also the citizens of Edgecombe County. As I understand it, the cost of inmate calls would probably rise. The cost of routing and collecting the moneys would probably be extremely complicated and difficult and the jail administrator, which in North Carolina is the Sheriff, would probably see revenues dropped dramatically.

The counties are not in a position to pay for the equipment and/or cost that would be brought on by the BPP function and therefore, we would probably end up having to take out inmate phone system from many of the county jails. Currently this phone system is a source of revenue for the counties and allows the county to keep the tax rate lower than what it might otherwise would have to be in order to fund the operation for a county jail.

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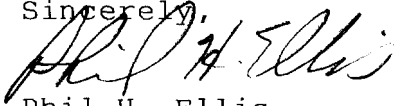
June 30, 1994
The Honorable Reed Hundt
page -2-

I would sincerely request that you and other members of the FCC not cause the billed party preference provision to be passed and carried out because things at the present time are operating very smoothly with no complaints.

I would say to you and other members of the commission that the sheriffs in North Carolina are constantly looking for the most economical cost to the families and friends who are being billed by receiving calls from inmates in our county jails. We are also, at the same time, looking for the most revenue that can be generated for the county from the phone suppliers.

If I may answer any questions that you or any other commissioner may have, please feel free to give me a call. I realize that you will be receiving numerous responses concerning the proposed BPP provision from all across the county. However, I think that if you will take the opportunity to have your staff to contact the sum 3,000 sheriffs in the United States, many of whom have inmate telephone systems, they will find that the system is not broke and does not need to be repaired.

Sincerely,



Phil H. Ellis
Sheriff of Edgecombe County

cc The Honorable James H. Quello
The Honorable Andrew C. Barrett
The Honorable Rachelle B. Chong
The Honorable Susan Ness

PHE/jwc



JACKSON COUNTY OREGON

10 S. OAKDALE AVENUE MEDFORD, OREGON 97504

JUL 1 2 59 PM '94

SHERIFF'S DEPARTMENT

C. W. Smith, Sheriff
(503) 776-7131
FAX: (503) 776-7060

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AUG 1 2 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

July 1, 1994

The Honorable Reed E. Hundt
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

RE: Billed Party Preference;
CC Docket No. 92-77

Honorable Hundt:

On behalf of the Jackson County Sheriff's Office and the Jackson County Jail, Medford, Oregon, please accept the following comment regarding the proposed billed party preference rule.

Having most recently reviewed in part the commission's notice of proposed rule making adopted May 19, 1994 and released June 7, 1994, I've formed a few concerns and have taken exception to a few of the recorded comments.

First, while potentially in the interest of the public at large, I believe unilateral implementation of this rule to correctional institutions, most of which are supported by public funds, will reduce available revenues for our institutions which are scarce as it is now. The result of such added reduction will demand either more public funds to maintain existing service levels, or as in our jurisdiction's circumstance, require a reduction in operations due to existing inadequate public funding. Such a threat translates into increased difficulty (or inability) in meeting constitutional and court ordered mandates, thus increased exposure to civil liabilities and increased potential for dire losses to the jurisdiction.

Second, and of no less potential for consequence to our communities at large, providing BPP availability to those lawfully incarcerated in our jails and prisons negates the technology developed over the years (and in place in many institutions) in response to those issues that continue to be troublesome and cause undue expense to our communities fiscal and human resources. Such issues include not only fraud, but victim/witness intimidation, threats to public safety and other

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Honorable Hundt

Page 2

July 1, 1994

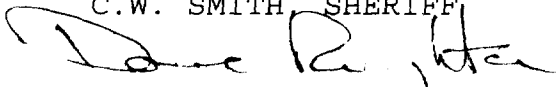
less than honorable agendas, each of which are ongoing sources of erosion which add to the continuous threats facing our criminal justice system daily.

As the manager of the Jackson County Sheriff's Corrections Division, an operation housing approximately 230 persons daily in Medford, Oregon, I request your support for exempting correctional institutions from BPP should such be brought forward by the commission.

Your time on review of this presentation is appreciated.

Sincerely,

C.W. SMITH, SHERIFF

A handwritten signature in dark ink, appearing to read "D.K. Roughton", is written over the typed name and title.

D.K. Roughton, Lt
Jail Commander

DKR/tat



ANDREW P. O'ROURKE
County Executive

NORWOOD E. JACKSON
Commissioner
Department of Correction

July 7, 1994

The Honorable Reed E. Hundt, Chairman
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: BILLED PARTY PREFERENCE; CC DOCKET NO. 92-77

Dear Chairman Hundt:

With respect to the proposal currently under consideration to implement Billed Party Preference (BPP) for all 0+ interLATA calls, we urge the Commission to allow an exception for such calls originated from a correctional institution.

We understand the benefits Billed Party Preference presents in the public arena, but the parameters under which inmate phones operate in a correctional institution are entirely different. The advantages Billed Party Preference is designed to offer to the public will not be realized within a correctional institution, and in fact implementation will only compromise our ability to control the telephone fraud we have spent the past several years curtailing.

If implemented within a prison, it will also offer the population easier access to generate fraudulent calls. In losing our ability to selectively route inmate calls, we will effectively lose our ability to control fraud and prevent harassment of judges, witnesses, victims, etc. The Commission has previously exempted inmate phones from having to allow bypass for exactly this reason. The primary concern of this institution, security, was the main issue before and it is still the main issue.

It is further argued by the proponents of BPP that it will increase competition in the operator services industry. Again, we see the opposite impact resulting as it pertains to the inmate phone industry. Without ability to negotiate routing of calls, the firms that make up this industry will lose their revenue source and will be forced to close up shop. The local telephone company will once again be positioned as the only game in town, and competition will disappear.

Take away the competition and you take away the primary incentive for NYNEX (our current provider) to continue operating a high standard of service and developing improvements in their product. NYNEX has been forced to develop security and fraud control software and hardware in order to keep up with the industry. Service reliability have had to remain at high levels. Inmate phone service will step backwards several years, and we will certainly bear the brunt of the demise of this industry.

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The Honorable Reed E. Hundt

July 7, 1994

Page 2

We recognize that the reputation of the inmate phone industry, and that the private payphone industry overall, has been scarred by the price gouging consumers have felt at the hands of a few unscrupulous firms. It is for this very reason that we mandated in our specification, and in our contract, that our provider must charge rates and surcharges equivalent to that of the dominant carriers (currently AT&T and NYNEX). Rather than force the implementation of BPP on the corrections industry, would it not be more sensible to mandate that correctional institutions impose similar rate ceilings under contracts negotiated for inmate phone service, or at the very least exempt those institutions that do have rate ceilings from having to implement BPP, or to exempt current programs under a Grandfather clause?

These alternatives would certainly protect the inmate and his/her family from rate ripoffs they may be experiencing today without imposing an undue burden on the nation's prisons.

Finally, we would be remiss if we did not note the financial impact implementation of BPP carries with it. What today is a source of revenue will tomorrow be an additional expense. Loss of competition in the industry will force prisons to pay for the inmate phone control we currently receive at no cost today. If we do not fund an automated solution, at the very least we will have to expend additional manpower to monitor inmate phone usage, thereby denying inmates the full access they now are afforded.

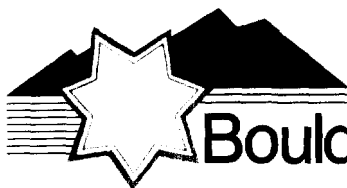
We strongly urge the Commission not to adopt Billed Party Preference with respect to correctional institutions.

Sincerely,

A handwritten signature in cursive script, reading "Norwood E. Jackson", followed by a long horizontal flourish.

Norwood E. Jackson
Commissioner of Correction

cc: The Honorable James H. Quello
The Honorable Andrew C. Barrett
The Honorable Rachelle B. Chong
The Honorable Susan Ness



GEORGE EPP
Sheriff

DOCKET FILE COPY ORIGINAL

Boulder County Sheriff's Department

July 6, 1994

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AUG 12 1994

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

The Honorable Susan Ness
Federal Communications Commission
1919 M Street, N.W.
Washington, DC 20554

RE: Billed Party Preference; CC Docket No. 92-77

Dear Madam:

As the Support Services Administrator in a jail, I am vigorously opposed to any federal interference with my ability to manage and control our inmate telephone system.

For years we had to depend on officers spending many, many hours supervising inmate phone calls, because of the potential for abuse, fraud, etc. Upon moving into a new facility we contracted with an inmate telephone company. This has freed up time for our staff to perform other task and improved inmate phone operation quaility.

Many inmates attempt to utilize third-party calling to effect abuse, fraud and threats to crime victims. However; the service provider is able to deal with this effectively. It is essential that I contract with a service provider that is committed to providing call and fraud controls unique to the jail setting. Without it I would have to begin monitoring inmate calls with officers again, which is not very frugal.

Inmate phone service contracts also provide much needed funds to maintain inmate programs. This is a critical source of revenue that would be cutoff by approval of "Billed Party Preference."

I would urge you to examine "BPP" very carefully before stripping away my ability to manage our inmate phone system.

Sincerely,

U. J. Black, Jr.
Support Services Lieutenant, Jail Division

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UJB/bb